

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLO-SMITH

Case No. 2:24-cv-13245
Hon. Brandy R. McMillion

Plaintiff,

v.

SEAN COMBS,

Defendants.

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OPINION AND ORDER SUMMARILY DISMISSING COMPLAINT

Plaintiff, Derrick Lee Cardello-Smith, is a Michigan prisoner presently confined at the Earnest C. Brooks Correctional Facility. On October 16, 2024, Plaintiff sued Sean Combs and other defendants in *Cardello-Smith v. Combs*, Eastern District of Michigan No. 2:24-cv-12737. On November 18, 2024, the case was dismissed under the “three-strikes” provision of 28 U.S.C. § 1915(g). *See* No. 24-12737, ECF No. 9.

On November 13, 2024, Plaintiff filed a “Notice of Removal” in the United States District Court for the Southern District of New York, improperly attempting to transfer Case No. 24-12737 to that Court. *See Smith v. Combs*, S.D.N.Y. No. 1:24-cv-08738. On November 25, 2024, the Southern District of New York entered an order transferring the case back to this Court. ECF No. 2. The Clerk’s Office

opened the transferred case as a new case. Accordingly, before the Court for a second time is the same case Plaintiff attempted to transfer to the Southern District of New York.

District courts have “broad discretion in determining whether to dismiss litigation or abstain in order to avoid duplicative proceedings.” *In re Camall Co.*, 16 F. App’x 403, 408 (6th Cir. 2001) (citing *In Re White Motor Credit*, 761 F.2d 270, 274-75 (6th Cir. 1985)). The present case is identical to the one previously dismissed by the Court under the three-strike rule. Therefore, the Court concludes that the case should be dismissed as duplicative of Case No. 2:24-cv-12737. Accordingly, this case is **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court shall file in Case Docket No. 2:24-cv-12737, the pleadings in this case, including a copy of this order.

IT IS SO ORDERED.

s/Brandy R. McMillion
Hon. Brandy R. McMillion
United States District Judge

Dated: December 23, 2024